

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

DILLON COMPANIES, INC. d/b/a  
KING SOOPERS

Employer

and

Case 27-RC-264824

UNITED FOOD AND COMMERCIAL WORKERS  
INTERNATIONAL UNION, LOCAL 7

Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.<sup>1</sup>

LAUREN McFERRAN, CHAIRMAN

WILLIAM J. EMANUEL, MEMBER

JOHN F. RING, MEMBER

Dated, Washington, D.C., February 12, 2021.

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<sup>1</sup> The Board has exercised its discretion under Sec. 102.67(e) of the Board's Rules and Regulations to examine the entire record. We agree with the Regional Director's determination that the petitioned-for employees are an identifiable, distinct segment (and therefore not an arbitrary segment). Cf. *Warner-Lambert Co.*, 298 NLRB 993 (1990). In addition to the factors discussed by the Regional Director, we note that all of the petitioned-for employees share a common function of preparing food and/or beverages to customer specifications and that are in a ready-to-consume form; work behind counters, serving customers under similar working conditions, while wearing similar uniforms, head coverings, and gloves; stock and display products in their respective work areas; and have completed the Employer's food-safety training. By contrast, most excluded employees have no role in preparing food, and only the bakery and produce-department employees have completed food-safety training and are required to wear head coverings or gloves for any portion of their work.

We also agree with the Regional Director's determination that the petitioned-for employees share a community of interest with the existing unit of meat and seafood employees. The Employer claims its departmental organization weighs against such a finding, but even if true that factor is still outweighed by the other relevant factors, which support finding a community of interest in this case: the contact, shared supervision, common job function, and similar skills, training, and non-contractual working conditions and terms of employment. The record supports the Regional Director's analysis and findings regarding these factors, which we find to be sufficient to demonstrate a community of interest between the petitioned-for employees and existing unit.